

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MICHIGAN</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 EQUAL EMPLOYMENT OPPORTUNITY)</p> <p>6 COMMISSION,)</p> <p>7 Plaintiff,)</p> <p>8 vs.) Case No. 14-13710</p> <p>9 R.G. & G.R. HARRIS FUNERAL) Hon. Sean F. Cox</p> <p>10 HOMES, INC.,) United States</p> <p>11 Defendants.) District Court Judge</p> <p>12 _____)</p> <p>13</p> <p>14 30(B)(6) DEPOSITION OF THOMAS ROST</p> <p>15 PLYMOUTH, MICHIGAN</p> <p>16 THURSDAY, NOVEMBER 12, 2015</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 REPORTED BY: QUENTINA R. SNOWDEN, CSR NO. 5519</p> <p>25 JOB NO.: 276003-A</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED:</p> <p>2 For the Defendant:</p> <p>3 JOEL J. KIRKPATRICK, PC</p> <p>4 BY: JOEL JAMES KIRKPATRICK, ESQ.</p> <p>5 843 Penniman Avenue</p> <p>6 Suite 201</p> <p>7 Plymouth, Michigan 48170-1770</p> <p>8 (734) 404-5710</p> <p>9 E-mail: joel@joelkirkpatrick.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 SCHRAMECK LAW, PLLC</p> <p>13 BY: JEFFREY T. SCHRAMECK, ESQ.</p> <p>14 843 Penniman Avenue</p> <p>15 Plymouth, Michigan 48170-1757</p> <p>16 (734) 454-5400</p> <p>17 E-mail: jeff@schramecklaw.com</p> <p>18</p> <p>19 ALLIANCE DEFENDING FREEDOM</p> <p>20 BY: BRADLEY ABRAMSON, ESQ.</p> <p>21 15100 North 90th Street</p> <p>22 Scottsdale, Arizona 85260</p> <p>23 (480) 444-0020</p> <p>24 E-mail: babramson@adflegal.com</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 30(B)(6) DEPOSITION OF THOMAS ROST, taken at</p> <p>2 the offices of Joel J. Kirkpatrick, PC, located</p> <p>3 at 843 Penniman Avenue, Suite 201, Plymouth,</p> <p>4 Michigan on Thursday, November 12, 2015, at 9:30</p> <p>5 a.m., before Quentina R. Snowden, Certified Court</p> <p>6 Reporter, in and for the State of Michigan.</p> <p>7</p> <p>8 APPEARANCES:</p> <p>9 For the Plaintiff:</p> <p>10 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</p> <p>11 BY: DALE R. PRICE, JR., ESQ.</p> <p>12 MILES E. SHULTZ, ESQ.</p> <p>13 477 Michigan Avenue</p> <p>14 Room 865</p> <p>15 Detroit, Michigan 48226-2552</p> <p>16 (313) 226-7808</p> <p>17 E-mail: dale.price@eeoc.gov</p> <p>18 miles.shultz@eeoc.gov</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X</p> <p>2 WITNESS: THOMAS ROST</p> <p>3 EXAMINATION PAGE</p> <p>4 BY: Mr. Price 05</p> <p>5 EXAMINATION</p> <p>6 BY: Mr. Kirkpatrick 132</p> <p>7 RE-EXAMINATION</p> <p>8 BY: Mr. Price 140</p> <p>9 (No further examination.)</p> <p>10 E X H I B I T S</p> <p>11 NUMBER DESCRIPTION PAGE</p> <p>12 EX. NO. 1 DEFENDANT'S ANSWERS TO 12</p> <p>13 PLAINTIFF'S AMENDED COMPLAINT</p> <p>14 EX. NO. 2 CHARGE OF DISCRIMINATION 18</p> <p>15 EX. NO. 3 RESPONSE TO CHARGE OF 22</p> <p>16 DISCRIMINATION</p> <p>17 EX. NO. 4 ARTICLES OF INCORPORATION 78</p> <p>18 EX. NO. 5 MISSION STATEMENT 81</p> <p>19 EX. NO. 6 EMPLOYEE MANUAL 103</p> <p>20 EX. NO. 7 LETTER 109</p> <p>21 (Exhibits attached.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 5</p> <p>1 PLYMOUTH, MICHIGAN; THURSDAY, NOVEMBER 12, 2015</p> <p>2 9:40 A.M.</p> <p>3 -oOo-</p> <p>4 Whereupon --</p> <p>5 THOMAS ROST,</p> <p>6 having been first duly sworn to testify to the</p> <p>7 truth, the whole truth, and nothing but the</p> <p>8 truth, was examined and testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. PRICE:</p> <p>11 Q Good morning.</p> <p>12 A Good morning to you.</p> <p>13 Q Yeah, my name is Dale Price, I'm an attorney</p> <p>14 with the Equal Employment Opportunity</p> <p>15 Commission here in Detroit and we have two</p> <p>16 purposes here today. We'll do them in order.</p> <p>17 One, we're going to take your</p> <p>18 30(b)(6) deposition, what's known as. We sent</p> <p>19 out a Notice with respect to that designating</p> <p>20 certain subjects upon which we wish to have a</p> <p>21 company representative brought forward to</p> <p>22 testify to.</p> <p>23 And then secondly, we'll be doing a</p> <p>24 deposition of you in your personal capacity.</p> <p>25 Hopefully there won't be a whole lot of</p>	<p style="text-align: right;">Page 7</p> <p>1 A Yes.</p> <p>2 Q You're prepared to speak on Affirmative Defense</p> <p>3 Number 8 and the Amended Answer to the</p> <p>4 Complaint which states, "The EEOC's claims are</p> <p>5 barred due to the fact that they are not</p> <p>6 brought in the true name of the party in</p> <p>7 interest and/or for the failure to join an</p> <p>8 indispensable party"?</p> <p>9 A Yes.</p> <p>10 Q You're prepared to speak as to the Item Number</p> <p>11 3, which is the Eleventh Affirmative Defense in</p> <p>12 the Amended Complaint, "The EEOC's claims</p> <p>13 violate the Funeral Home's right to due process</p> <p>14 under the Fifth and Fourteenth Amendments to</p> <p>15 the United States Constitution"?</p> <p>16 A Yes.</p> <p>17 Q You're prepared to speak to the Number 4, which</p> <p>18 is "The EEOC's claims violate the Funeral</p> <p>19 Home's right to free exercise of religion under</p> <p>20 the First Amendment to the United States</p> <p>21 Constitution"?</p> <p>22 A Yes.</p> <p>23 Q You're prepared to speak to Item Number 5 in</p> <p>24 the deposition which is "The EEOC's claims</p> <p>25 violate the Funeral Home's rights under the</p>
<p style="text-align: right;">Page 6</p> <p>1 overlap, but it will probably be inevitable</p> <p>2 there will be some. But, for the first part</p> <p>3 here we're going to be focusing on the 30(b)(6)</p> <p>4 deposition.</p> <p>5 And with respect to that I'd like</p> <p>6 to confirm that you have agreed to consent to</p> <p>7 speak on behalf of the Defendant with respect</p> <p>8 to the items we sent in the Notice.</p> <p>9 A Yes.</p> <p>10 Q Have you had a chance to review the Notice?</p> <p>11 A Yes.</p> <p>12 Q Okay. You were shown a Notice by your Counsel?</p> <p>13 A Yes.</p> <p>14 Q Okay. And you are prepared to speak upon each</p> <p>15 of those items within the Notice?</p> <p>16 A Yes.</p> <p>17 Q Okay. And not to be tiresome, but I'm just</p> <p>18 going to go through it. So you are prepared to</p> <p>19 speak on behalf of the company with respect to</p> <p>20 the second affirmative defense, which is the</p> <p>21 EEOC's bringing and prosecution of this case</p> <p>22 exceeds the scope of the EEOC's legal authority</p> <p>23 and is ultra vires.</p> <p>24 You're prepared to speak on that</p> <p>25 today?</p>	<p style="text-align: right;">Page 8</p> <p>1 federal Religious Freedom Restoration Act or</p> <p>2 RFRA"?</p> <p>3 A Yes.</p> <p>4 Q You're prepared to speak to item number 6,</p> <p>5 which was "The creation or incorporation of</p> <p>6 Harris, including any articulated purposes or</p> <p>7 mission statements and the identity of</p> <p>8 incorporating officers and subsequent offers</p> <p>9 during Aimee Stephens' employment"?</p> <p>10 A Yes.</p> <p>11 Q Item Number 7, prepared to speak to</p> <p>12 "Non-Privileged communications concerning or</p> <p>13 touching upon Harris' exercise of religion</p> <p>14 through or in the course of operating its</p> <p>15 business"?</p> <p>16 A Yes.</p> <p>17 Q Number 8, prepared to speak on "Facts</p> <p>18 concerning Harris' exercise of religion in</p> <p>19 conducting its business operations or in its</p> <p>20 personnel practices"?</p> <p>21 A Yes.</p> <p>22 Q You're prepared to speak to Item Number 9,</p> <p>23 "Facts concerning any claimed substantial</p> <p>24 burden to Harris' exercise of religion caused</p> <p>25 by the EEOC's claims"?</p>

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1 A Yes.
 2 Q And Item Number 10, you're prepared to speak to
 3 "Facts concerning the designing, editing,
 4 loading and/or updating of the content of
 5 Harris' website which is [http://www.rgr --](http://www.rgr--ggrharris.com)
 6 [ggrharris.com](http://www.rgr--ggrharris.com)"?
 7 A Yes.
 8 Q Forgive my stuttering, I do that a lot with
 9 URLs, so -- and likewise, facts -- you're
 10 prepared to speak to "Facts concerning the
 11 designing, editing, loading and/or updating of
 12 the content on Harris' Facebook page,
 13 Facebook.com, RGR (sic) Harris Funeral Home as
 14 set forth in the Notice"?
 15 A Yes.
 16 Q And you're prepared to speak on behalf of the
 17 company with respect to Item 12, "Harris'
 18 personnel and employment policies contained in
 19 Harris' employee handbook or otherwise
 20 communicated to Harris' employees during the
 21 course of Aimee Stephens employment"?
 22 A Yes.
 23 Q We're almost there. Last one. You've prepared
 24 to speak to Item 13, "The circumstances and
 25 reasons for Aimee Stephens' separation of

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1 employment from Harris and all policies Harris
 2 relied upon in terminating Stephens"?
 3 A Yes.
 4 Q Okay. Thank you very much. It's tedious, but
 5 I've got to go through that. So --
 6 Okay. What did you do to prepare
 7 for today's 30(b)(6) deposition?
 8 A I didn't do very much. I'm just here
 9 representing the company.
 10 Q Okay. Did you speak -- and again, I don't want
 11 to know about the contents of your discussion
 12 with Counsel, but did you speak with Counsel
 13 for part of your preparation?
 14 A A little bit, yes.
 15 Q Okay. When did that occur?
 16 A Yesterday.
 17 Q Okay. How long did that take?
 18 A 20 minutes.
 19 Q Okay. Was that here or at your -- one of your
 20 facilities?
 21 A Here.
 22 Q Here?
 23 A Uh-huh.
 24 Q And who was present?
 25 A Just Joel and myself.

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1 Q Okay. Did you do anything else to prepare for
 2 the deposition?
 3 A No.
 4 Q You didn't review any documents?
 5 A No.
 6 Q Okay. You indicated you had reviewed the
 7 deposition notice. When did that occur?
 8 A Oh, I don't know when that occurred.
 9 Q Okay. Did you speak about the 30(b)(6)
 10 Deposition Notice with anyone?
 11 A No.
 12 Q Okay. Did you speak with anyone at Harris
 13 about the fact that you were going to be coming
 14 for a 30(b)(6) deposition?
 15 A No.
 16 Q Okay. So, did you speak with any past or
 17 present employees regarding the deposition?
 18 A No.
 19 Q Okay. Did you review the Answer to the
 20 Complaint to prepare for the deposition at all?
 21 The Amended Answer to the Complaint?
 22 A I don't know. I don't know.
 23 Q Okay. Have you at all -- have you reviewed the
 24 Answer to the Complaint at all?
 25 A I don't recall on it.

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1 Q Okay.
 2 A I'm assuming that I probably did, but I don't
 3 recall.
 4 Q Okay. All right. Can you think of anything
 5 else you might have done or -- to prepare for
 6 the deposition?
 7 A No.
 8 Q Okay. Now, you -- you -- is it your -- you
 9 believe that you did review the Amended Answer
 10 to the Complaint before it went out? Before it
 11 was filed?
 12 A Is that something that Joel submitted or is
 13 that something that you submitted?
 14 Q That's a fair question, actually. How about I
 15 show you a copy of that, maybe that will end
 16 the problem here.
 17 MR. PRICE: Might as well have this
 18 marked as 1, please.
 19 (Deposition Exhibit No. 1 was
 20 marked for identification.)
 21 MR. PRICE: All right. Thank you.
 22 And here, it's the Amended Answer to the
 23 Complaint. I don't know if I've got an extra
 24 copy or not.
 25 MR. KIRKPATRICK: I have a copy if

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1 you want one.
 2 MR. PRICE: Okay. Yeah. Good,
 3 please.
 4 THE WITNESS: You have the same
 5 file. What was the date on this? Is there a
 6 date up here?
 7 BY MR. PRICE:
 8 Q Up on the top.
 9 A Oh, up there. Okay. So this was back --
 10 (Reviewing.) Yes, I did see this.
 11 Q Okay. Did you have a chance to review it
 12 before it went out?
 13 A Did not.
 14 Q Okay. But, do you have any disagreement --
 15 you don't have any disagreement with the
 16 documents; it fairly represents the defenses of
 17 Harris?
 18 A Yes.
 19 Q Okay. All right. Moving to the first item on
 20 the Exhibit, the first item on the deposition
 21 notice, you were asked -- if you look at
 22 paragraph -- I'm sorry, page 4 of the answer,
 23 "Second Affirmative Defense."
 24 A Page 4, okay.
 25 Q Where it says "Second Affirmative Defense."

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1 A All right.
 2 Q Okay. Do you -- can you speak to any facts
 3 that would support the company's assertion that
 4 this complaint was beyond the scope of the
 5 authority of the Commission?
 6 A No, I can't.
 7 Q Okay. Do you know anybody at Harris who could?
 8 A No.
 9 Q And you indicated earlier you didn't have a
 10 chance to review it -- did you have a chance to
 11 review it before it went out or not?
 12 A No.
 13 Q You did not. Okay. All right. When did you
 14 get a copy of it?
 15 A I don't know if I have a copy of this. I'm
 16 assuming. I might have read it here or --
 17 Q Okay.
 18 A Maybe Joel sent it to me. I'm not sure, I just
 19 don't know.
 20 Q Okay. It looks familiar, but you couldn't
 21 speak to when you received it?
 22 A Not since May, no.
 23 Q Or since June?
 24 A Or June is it? Yeah.
 25 Q Okay. Just to clarify, it looks familiar to

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1 you --
 2 A Yes.
 3 Q -- but you can't testify as to the receipt?
 4 A Right.
 5 Q All right. Fair enough. But okay, just to
 6 clarify, you don't -- you might not have any
 7 facts to support the defense, but you're not --
 8 that is still an affirmative defense of the
 9 company of Harris, correct?
 10 A Yes.
 11 Q All right. Moving on to Item 2, which would be
 12 the Eighth Affirmative Defense in the
 13 Complaint, and my apologies here, that would be
 14 found on --
 15 A The Eighth one you say?
 16 Q Yes, Eighth Affirmative Defense also on page 4.
 17 A Yeah, it goes -- okay.
 18 Q Yes, it spills onto 5. You're right. Okay.
 19 Do you -- do you as a representative -- as the
 20 designated representative of Harris have any
 21 facts to support that affirmative defense that
 22 you can speak to today?
 23 A "The true name of the party of interest", that
 24 means Anthony or Aimee, Mr. Stephens, is that
 25 what that means? "Name of the party of

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1 interest"?
 2 Q Do you have any understanding of what that
 3 would be?
 4 A That's what I'm trying to ask, yeah. "Or for
 5 the failure to join an --" I do not understand
 6 this, no.
 7 Q Okay. So you don't have any facts to --
 8 A No.
 9 Q -- testify one way or the other?
 10 A No.
 11 Q Okay. Can you think of anybody at Harris who
 12 would be able to testify to that?
 13 A No.
 14 Q Okay. Moving on to Item 3 in the 30(b)(6)
 15 Deposition Notice, it is --
 16 A Is that part of this or --
 17 Q That's still part of this, yeah, I'm moving
 18 to -- it's part of the Deposition Notice I
 19 talked about before, the multiple page --
 20 A Number 3, you're saying?
 21 Q Well, actually it's more clari -- I apologize
 22 for being confusing. You were sent out a
 23 deposition notice with, like, a list of topics.
 24 A All right.
 25 Q And you were the one designated to speak to

<p style="text-align: right;">Page 25</p> <p>1 Q Did you have any problem with what she 2 transcribed? 3 A I don't believe so. 4 Q Okay. You were also later in the case 5 presented with the what's called a Letter of 6 Determination and a conciliation package, it 7 was a proposal -- it was basically a finding 8 from the Commission that there was a belief 9 that a law had been violated. You did receive 10 that? 11 A Yes. 12 Q Okay. And you also received what's called a 13 conciliation package or a proposal for a 14 resolution of the matter? 15 A Yes. 16 Q Okay. You had a chance to respond to that, 17 correct? 18 A Yes. 19 Q And you did provide a response to your 20 attorney? 21 A Yes. 22 Q You had a chance to review that response before 23 now? 24 A Yes. 25 Q Okay. In light of that, what is the basis that</p>	<p style="text-align: right;">Page 27</p> <p>1 A Correct. 2 Q And I may ask you to make your responses 3 verbal. I apologize. 4 A That's fine. 5 Q I know what -- it's -- I know it's correct, but 6 we want to make sure the transcript is clear. 7 A I understand. 8 Q Who owns the remainder of the shares? 9 A My son and daughter. 10 Q Your son Matthew? 11 A Yes. 12 Q And how much does he own? If you know? 13 A He owns twice as much as my daughter. 14 Q Okay. Now, is he older? 15 A He is older. 16 Q And he works for R.G. G.R.? 17 A He does work there. 18 Q Okay. What -- in what capacity? 19 A He's a funeral director there. 20 Q Okay. Which location? 21 A On the east side. 22 Q Is he also in charge of the Cremation Society 23 functions? 24 A He is. He is. 25 Q And your daughter, what's her name?</p>
<p style="text-align: right;">Page 26</p> <p>1 you did not have any kind of -- you did not 2 have due process under the Fifth and Fourteenth 3 Amendments to the Constitution? 4 A I can't speak to that. 5 Q Okay. You don't have any facts to support that 6 claim on behalf of Harris? 7 A No. Right. 8 Q All right. All right. Moving ahead to, it 9 will be the Twelfth Affirmative Defense in the 10 Answer to the Complaint, document one, which 11 will be found on page 5 of the Answer. 12 A Okay. 13 Q Okay. Specifically that "The EEOC's claims 14 violate the Funeral Home's right to free 15 exercise of religion under the First Amendment 16 to the United States Constitution." 17 Okay. What are the facts 18 supporting that affirmative defense? 19 A I wouldn't be able to address that. 20 Q Okay. Do you claim that you -- let's try it 21 this way. Are you the -- if I read correctly, 22 and correct me if I'm wrong, do you own 94.5 23 percent of the shares of the company? 24 A That's correct. 25 Q Okay. And that's R.G. G.R. Harris, correct?</p>	<p style="text-align: right;">Page 28</p> <p>1 A Nicole. 2 Q And does she have any function within the R.G. 3 G.R.? 4 A No. 5 Q Okay. I'm sorry, what are their ages, 6 respectively? 7 A My son is 42 and she is 40. 8 Q Okay. No other children? 9 A No, no other children. 10 Q Okay. So is R.G. G.R. Harris is a closed 11 corporation? 12 A Yes. 13 Q And how long have you been the 94.5 percent 14 owner? 15 A 30 years. 16 Q 30 years. Okay. And the remainder have been 17 owned by your children from that time frame 18 too? 19 A No, no. 20 Q When did that occur? 21 A I'll just take a guess, maybe five years ago. 22 Q Okay. So the 5.5 percent remainder you 23 designated to them roughly -- roughly five 24 years ago? 25 A That's correct.</p>

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1 Q All right. Let's try it this way. Are you
 2 claiming that your rights to exercise religion
 3 have been affected by this lawsuit?
 4 A Repeat that again.
 5 Q Sure. Sure. Okay. You're the 94.5 percent
 6 owner --
 7 A Yes.
 8 Q -- of R.G. G.R. So, any -- if the funeral
 9 home's rights to free exercise of religion are
 10 being impacted really it's your -- your rights,
 11 religious rights that would be impacted because
 12 you're the majority owner, correct?
 13 A Okay. Okay.
 14 Q Okay. Is it your belief -- is it your
 15 allegation that the fact that we have filed
 16 suit in this action has affected your rights to
 17 free exercise of religion under the First
 18 Amendment of the Constitution?
 19 A No.
 20 Q What is your religious affiliation?
 21 A I'm a Christian.
 22 Q A Christian. Okay.
 23 A Uh-huh.
 24 Q What church do you attend?
 25 A I attend a couple churches, actually.

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1 Q Okay.
 2 A I attend Highland Park Baptist Church, another
 3 church called Oak Pointe.
 4 Q And where are those churches located?
 5 A One is in Southfield, the Highland Park Baptist
 6 is in Southfield and the other one is in Novi.
 7 Q Are they -- either of those churches affiliated
 8 with, say like, the southern baptists or
 9 anything like that?
 10 A No.
 11 Q "No"?
 12 A No.
 13 Q Okay. All right. How long have you been a
 14 Christian?
 15 A 65 years.
 16 Q Just how old are you, sir?
 17 A 71.
 18 Q 71. Okay. Now, is -- now you said you became
 19 a Christian at roughly 6 years of age. Was
 20 that in Highland Park Baptist Church or was
 21 that somewhere else?
 22 A It was in my home at the time.
 23 Q Okay. Where was that?
 24 A In Highland Park.
 25 Q In Highland Park. Okay.

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1 A Uh-huh.
 2 Q Okay. Presumably baptized at that point?
 3 A Yes.
 4 Q Okay. Do you recall if there was any
 5 particular church that it was associated with
 6 or no?
 7 A That same church.
 8 Q Highland Park?
 9 A Yeah.
 10 Q Oh, it was Highland Park. Okay.
 11 A Yeah.
 12 Q All right. Now, R.G. G.R. Harris is not owned
 13 by any church, correct?
 14 A Correct.
 15 Q Okay. And it's not affiliated with a church,
 16 for instance it's not really the official
 17 funeral home of Highland Park Baptist or Oak
 18 Pointe, correct?
 19 A Correct.
 20 Q Okay. Does R.G. G.R. Harris sponsor any kind
 21 of religious activities?
 22 A I don't know what you mean by "Sponsor."
 23 Q Does it -- well, let's try this. Does it send
 24 out, like, newspaper ads wishing people a Merry
 25 Christmas or Happy Easter? Does it take out

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1 ads like that?
 2 A We don't take out ads like that.
 3 Q Okay.
 4 A We -- we do things like we have a memorial
 5 service here at Christmastime that we recognize
 6 the people that have passed away over the last
 7 year. I don't know how you would define that,
 8 but we have a memorial service like that.
 9 Obviously we're involved in a ministry with --
 10 what we do is involved, religious rights and
 11 customs and rituals for families.
 12 Q Okay.
 13 A There's a huge ministry aspect to what we do.
 14 Q Now, this memorial service is -- what happens
 15 during this service? This annual Christmas
 16 service?
 17 A Yes. Well, we make an ornament with the
 18 person's name on it, and the family members can
 19 come and we have a short service. We read the
 20 names and then they hang this on an outside
 21 tree.
 22 Q Okay. You said it's a short service, what's --
 23 A Because it's outside. We -- we purposefully do
 24 this outside so it can be a pretty nasty day.
 25 Q Sure.

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1 A So we try and move things along. But we -- we
 2 have a couple people speak, we sing silent
 3 night, we read their names.
 4 Q Who speaks?
 5 A I speak, a lady now -- her name is Karen, I
 6 can't -- I forgot what her last name is. She's
 7 from New Hope. It's a support group.
 8 Q Okay.
 9 A She heads that up.
 10 Q Is that for grieving people?
 11 A Yes. Uh-huh. And she talks about things for
 12 the holidays, helps for the holidays.
 13 Q Getting through the new year without your loved
 14 one, that sort of thing?
 15 A Correct. Exactly.
 16 Q Is this New Hope support group, is it an
 17 explicitly Christian ministry?
 18 A No.
 19 Q Now, the people who come to the -- let's try it
 20 this way. I believe your web page indicates
 21 that you're -- or you will offer services to
 22 people of multiple religions?
 23 A Absolutely.
 24 Q Okay. Does that include people who are not
 25 Christians?

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1 A Oh yeah, sure.
 2 Q Okay. What religions does R.G. G.R. help with
 3 burial services and --
 4 A You name it, we do it.
 5 Q Muslims?
 6 A Yes.
 7 Q Hindus?
 8 A Yes.
 9 Q Sikhs or Sikhs (different pronunciation),
 10 sometimes is how it's said?
 11 A Yeah, I think they're kind of Hindu.
 12 Q Yeah, they're a derivation of Hindu.
 13 A Yes. Uh-huh.
 14 Q So you've done religious for the Sikhs?
 15 A Sure.
 16 Q Chinese religions?
 17 A Yes.
 18 Q Can you think of -- I'm not up on my Chinese
 19 religions, my apologies.
 20 A Neither am I.
 21 Q Confucian or Buddhist?
 22 A Well, that would all be part of that, I would
 23 just -- but we do have Buddhist services, yes.
 24 Q Okay. On site?
 25 A Yes. Uh-huh.

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1 Q Okay. So you've had all of these in the past
 2 three, four years you've had Muslim --
 3 A I don't know about the last three or four
 4 years. I mean, some of them you're -- like
 5 Buddhists, there's, you know, maybe one every
 6 ten years or something.
 7 Q But you've had them there?
 8 A Yeah, we have had them. Yeah.
 9 Q What about how frequently do you have Hindu
 10 services?
 11 A Well, we'll have a few a year.
 12 Q Okay.
 13 A Uh-huh.
 14 Q And somebody from the Hindu religion will come
 15 and conduct the rights and so forth on site?
 16 A Yes. Yes.
 17 Q Okay. What about, how often Islamic, Muslim
 18 people?
 19 A Not very much. They -- they stay to
 20 themselves.
 21 Q But some?
 22 A But some.
 23 Q Okay. How many in the past ten years, would
 24 you say?
 25 A Just a couple a year.

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1 Q Couple a year. Okay. What about
 2 Chinese-related services, how often does that
 3 happen?
 4 A Well, most of the Chinese that we take care of
 5 are Christian.
 6 Q Okay. Fair enough.
 7 A They're not -- you know --
 8 Q Okay. So most Chinese would fall within the
 9 Christian --
 10 A Yes.
 11 Q What about people who are Jewish, any services
 12 for them?
 13 A Very rarely.
 14 Q Okay. You're open to it, but it just doesn't
 15 happen very often?
 16 A No, they have Jewish funeral homes. Yes.
 17 Q Okay. What about people of no religious
 18 affiliation?
 19 A Well, we do that too, sure.
 20 Q How often do you do that?
 21 A Well nowadays almost every week.
 22 Q Really?
 23 A Yeah.
 24 Q Okay. What do you do in the circumstances
 25 where there is no professed religion, is

Page 37

1 there -- do you offer a service yourself?
 2 A We do.
 3 Q What's involved in that?
 4 A We do. We have a celebrant; I have a lady
 5 that's a celebrant that would provide a service
 6 of memorialization, let's put it that way. Or
 7 sometimes families will just do it themselves.
 8 Q Okay.
 9 A And they will speak and share. We'll call it a
 10 sharing memorial time.
 11 Q Okay. Now, is this celebrant, is she somebody
 12 who works for Harris?
 13 A Yes, she does.
 14 Q Who is that?
 15 A Lady by the name of Summer -- I forgot her last
 16 name, starts with a "P".
 17 Q Okay.
 18 A But Summer.
 19 Q And how long has she worked for Harris?
 20 A She's worked part-time for us for, I'm going to
 21 take a guess, about four years, but she's just
 22 recently become a celebrant.
 23 Q Okay.
 24 A About two or three months ago.
 25 Q Okay. Now, with respect to getting back to --

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1 not the operational aspect, but does R.G. G.R.
 2 advertise in like church bulletins, like
 3 Catholic church bulletins?
 4 A We don't. We have. We have, but we're not
 5 doing that now.
 6 Q When did you stop doing that?
 7 A Oh, quite awhile ago. 20 years ago.
 8 Q Okay. And why not?
 9 A It's not cost-effective.
 10 Q Okay. Where do you advertise or do you not
 11 advertise at all?
 12 A We are not advertising, no.
 13 Q So not even in the Yellow Pages?
 14 A Oh, well -- yep -- yes, Yellow Pages, yes,
 15 you're right. Yes.
 16 Q Okay. Now you'll sometimes see something like
 17 the Christian Yellow Pages or something like
 18 that?
 19 A Yes.
 20 Q Do you advertise in those?
 21 A I think once I might have. I don't know if
 22 those are still going. I haven't seen one of
 23 those in years.
 24 Q When do you believe you might have
 25 advertised --

Page 39

1 A Probably 20 years ago.
 2 Q Okay. Does R.G. G.R. help sponsor something
 3 like a church festival? You know, sometimes
 4 Catholic parishes will have a festival or there
 5 are harvest parties at a baptist church, that
 6 sort of thing?
 7 A We'll -- we'll maybe put an ad in a booklet.
 8 Q Okay. What do you mean by a booklet?
 9 A Well, usually they'll have a booklet, and I'm
 10 thinking of just one Catholic church that we do
 11 this, I think, that's the only thing I can
 12 think of. And we do it as just it's a gift,
 13 it's not an advertisement.
 14 Q Okay.
 15 A You don't get anything from it, it's just as a
 16 gift.
 17 Q Okay. What parish would this be, if you can
 18 recall?
 19 A This one was called St. Raphael's in Garden
 20 City. They've changed the name to St. Thomas
 21 of the -- something, I think, but just St.
 22 Raphael's.
 23 Q Okay. Can you think of any ways in which you
 24 express your faith through Harris, R.G. G.R.
 25 Harris; you exercise your faith using your

Page 40

1 business?
 2 A The only thing in a direct way is little things
 3 that we leave out, we give away Daily Breads
 4 which is a little daily devotional; it's a pick
 5 up. We have a little card that people can pick
 6 up. That would be the only thing.
 7 Q Okay. And this is just -- as they walk out
 8 they can grab something like that?
 9 A Yes. It's a pick up item if they so desire.
 10 Q What about, you say a little card, what's that?
 11 A We call it a Jesus card.
 12 Q Okay.
 13 A I forgot what it says on the front. It's kind
 14 of to grab your attention and then on the back
 15 it just has references, verse references.
 16 Q Scriptural references about Jesus?
 17 A Yes, exactly. Yes.
 18 Q You do employ people who -- to your knowledge,
 19 do you employ people who are not of your faith?
 20 A Yes.
 21 Q Can you think of some of the people, the
 22 religious or non-religious people that work for
 23 you?
 24 A Well, I have an Orthodox individual.
 25 Q Eastern Orthodox or Greek Orthodox or --

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1 A I'm going to say Greek Orthodox.
 2 Q Okay.
 3 A I have Catholics. That would pretty much be
 4 it.
 5 Q Okay. Any Episcopalians or anything like that
 6 you can think of?
 7 A Not at the present time that I'm aware of.
 8 Q Lutherans, Evangelicals, others you can think
 9 of?
 10 A I would classify them under the -- you know,
 11 under my -- under Christian faith, but now
 12 you're asking about denominations. I don't
 13 think I have any Lutherans right now.
 14 Q Okay. And by Christians, do you have any kind
 15 of other -- do you have a breakdown of what you
 16 consider Christian, I mean just --
 17 A That they are a follower of Jesus.
 18 Q Okay.
 19 A Specifically that way, not just in word only.
 20 Q Okay. And do you have people that you employ
 21 who you believe are not Christian in that
 22 sense?
 23 A I don't believe so.
 24 Q Now, if you're employing someone who is
 25 Orthodox or Catholic it's certainly not the

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1 case that you would be endorsing everything
 2 they say or believe, you know, their church
 3 beliefs and certain different things than yours
 4 does, but that's -- you know, that's not taken
 5 as an endorsement by Harris or anything like
 6 that, right?
 7 A Correct.
 8 Q Okay. It's not a problem for you, it's just
 9 not, you know, it's not endorsement of their
 10 beliefs, correct?
 11 A Correct.
 12 Q Okay. Is there anything about the suit that
 13 was brought -- again, I apologize if I'm
 14 repeating myself. Can you think of anything
 15 about the suit as brought by the Commission
 16 that interferes with religious freedom rights,
 17 right to free exercise under the Constitution?
 18 A Not in -- not in terms of religion.
 19 Q Okay. So -- let's try it this way. Harris is
 20 subject to laws like the Americans with
 21 Disabilities Act, correct?
 22 A Yes.
 23 Q Equal Pay Act?
 24 A Yes.
 25 Q Age Discrimination Employment Act?

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1 A Yes.
 2 Q None of those are -- there's no objection to
 3 that, correct?
 4 A Correct. Right.
 5 Q There's also Title VII; race, color, national
 6 origin, sex and religion?
 7 A Correct.
 8 Q Okay. None of those -- you don't object to any
 9 of those?
 10 A Correct.
 11 Q All right. So you said "Not religion." What
 12 do you mean then? What's the interference
 13 here, then?
 14 A Well, I don't think there is an interference,
 15 but I just wanted to be clear what --
 16 Q Okay. So, it's the case that there is -- you
 17 would disagree that the -- I want to phrase it
 18 properly here. You don't believe that the
 19 funeral home's right to free exercise of
 20 religion has been violated here?
 21 A Correct.
 22 Q Okay. Now you also own the Cremation Society
 23 of America, correct?
 24 A Correct.
 25 Q Okay. And I believe during your interview with

Page 44

1 Mrs. Dickinson, our investigator --
 2 A Could have been.
 3 Q Yeah, the lady was --
 4 A Yes.
 5 Q You recall a female investigator?
 6 A Yes.
 7 Q You talked about how your cremation business
 8 has actually been growing?
 9 A Yes.
 10 Q How long have you operated the cremation
 11 business?
 12 A Almost 30 years.
 13 Q 30 years. Okay. So when was it established?
 14 It would be roughly 1980 --
 15 A I'm going to say 19 --
 16 Q -- '86?
 17 A Something like that.
 18 Q Okay. Now were you the whole -- the complete
 19 owner at that point or were you still working
 20 with family?
 21 A Well, Harris Funeral Home owns it.
 22 Q Okay. But you established it yourself?
 23 A Correct.
 24 Q Why did you establish it?
 25 A Because there was a need for it and a market

<p style="text-align: right;">Page 49</p> <p>1 (sic) and then 15 years later cremation -- CSM 2 Cremation Services -- 3 A Yes. 4 Q -- because of a rise in demand, or a need? 5 Would it be safe to say it would be a need? 6 A Okay. Cremation Society of Michigan is -- 7 Q Of Michigan, I'm sorry. 8 A Yeah -- is a -- just think of it as funeral 9 home, okay? 10 Q Okay. 11 A Think of it that way, even though it only 12 provides one service. The crematory is a 13 separate thing. And that was -- that was 14 started -- we used to use a cemetery for that. 15 Crematories in this state are pretty much third 16 party institutions. 17 Q Okay. 18 A Our third party that we were using was bought 19 by a large conglomerate. We no longer wanted 20 to do business with them and so we decided that 21 we would seek an alternative and that's how we 22 went out and did this. 23 Q Okay. But as far as just going to overall need 24 for cremation services, leaving aside the 25 actual physical part, isn't it the case that</p>	<p style="text-align: right;">Page 51</p> <p>1 Q You certainly -- is it safe to say you 2 certainly would rather be doing funeral, full 3 funeral services as opposed to cremations? 4 A Yes. 5 Q That aligns more with your personal religious 6 values? 7 A Yes, it does. 8 Q How so? 9 A I believe in the traditional funeral. I 10 believe in the traditions that go with it, yes. 11 Absolutely. 12 Q And for religious reasons as well you believe 13 you'd rather do full funerals? 14 A I'm talking about for myself and for my family. 15 What's your question? Because I thought that's 16 what you were asking me personally. 17 Q Yeah. Does it -- as a Christian would you 18 rather be doing funerals more often than 19 cremations? 20 A Traditional funerals, yes. 21 Q Traditional funerals. 22 A Yes, of course. 23 Q Now, is it the case that you -- you indicated 24 kind of before, I just want to clarify kind of 25 the way religious ties have been lessening over</p>
<p style="text-align: right;">Page 50</p> <p>1 you've seen your cremation side of your 2 business going up over time? 3 A Yes, it's 50 percent of the market. 4 Q 50 percent. And what -- why do you see that; 5 do you have any insight as to why that's the 6 case? 7 A I do not know. 8 Q I believe at least at one point when you were 9 talking to our investigator you thought it 10 was -- you think it was kind of a cultural 11 shift; is that a possibility? 12 A Well, there's a lot of reasons people want to 13 save some money. 14 Q Okay. 15 A People don't have the same types of -- I want 16 to say family ties, cultural ties, religious 17 ties, they don't see the value the same as in 18 years ago. They don't see the need for a 19 traditional type of service. We live in a 20 disposable culture now, disposable society. 21 Q I believe, and correct me if I'm wrong, did you 22 believe that there was kind of like the 23 devaluing of human life was an aspect, you 24 told our investigator? 25 A Yes, I would agree with that.</p>	<p style="text-align: right;">Page 52</p> <p>1 time people tend to choose cremation over a 2 full funeral; is that -- did I catch that 3 accurately? 4 A I don't know if I'd say it that way. Let's 5 just say the immediate disposal, because it 6 could be burial. 7 Q Okay. 8 A We'll do immediate burials also. 9 Q Okay. What's an immediate burial? 10 A With no -- no visitation, no embalming 11 preparation, just go into a cemetery. 12 Q And how much of that do you do? 13 A Oh, a couple a month. 14 Q Would you say that cremation services tend to 15 be demanded more by people who have less of a 16 religious outlook? 17 A I would say yes. In general. Yeah. If you 18 want to make a general statement. 19 Q In general, right. I mean it's not -- 20 obviously people could very well -- 21 A But it's changing. It is changing, yes. 22 Q In what way? 23 A It's becoming more recognized in all faiths 24 now. I mean, years ago Catholics didn't allow 25 it. Now, you know, it's very prevalent, you</p>

<p style="text-align: right;">Page 53</p> <p>1 can take the cremated remains to church now.</p> <p>2 Q Okay.</p> <p>3 A So things have changed.</p> <p>4 Q And it's -- part of the reason you are doing</p> <p>5 cremation services is to remain -- is because</p> <p>6 the demand and just the way the funeral</p> <p>7 industry has shifted?</p> <p>8 A Exactly.</p> <p>9 Q You need it to stay in business really?</p> <p>10 A Exactly.</p> <p>11 MR. PRICE: If we could take a</p> <p>12 break here.</p> <p>13 (Off the record at 10:37 a.m.)</p> <p>14 MR. PRICE: Back on.</p> <p>15 (Back on the record at 10:47 a.m.)</p> <p>16 (Mr. Schrameck did not return to</p> <p>17 the conference room.)</p> <p>18 BY MR. PRICE:</p> <p>19 Q Who handles the hiring for R.G. G.R.?</p> <p>20 A Either myself or my managers.</p> <p>21 Q Okay. Do either you or your managers, to your</p> <p>22 understanding, ask about anybody's religion</p> <p>23 when you're hiring them?</p> <p>24 A No.</p> <p>25 Q Going back to this affirmative defense that we</p>	<p style="text-align: right;">Page 55</p> <p>1 Q Okay. You indicated as part of the healing</p> <p>2 process, but what about your religious beliefs</p> <p>3 specifically are violated by continuing to</p> <p>4 employ Stephens?</p> <p>5 A I believe it would violate my faith, yes,</p> <p>6 absolutely.</p> <p>7 Q Okay. What aspects of it?</p> <p>8 A Well, I believe that God created a man as a man</p> <p>9 and God created a woman as a woman. And to --</p> <p>10 to not honor that, I would feel it's a</p> <p>11 violation of my faith, absolutely.</p> <p>12 Q So Stephens would be presenting in a way that</p> <p>13 offended your religious beliefs, essentially?</p> <p>14 A Yes. Yes.</p> <p>15 Q And as a result you would not have to -- it</p> <p>16 would be within your rights to terminate them</p> <p>17 according to your religious belief, terminate</p> <p>18 Stephens from your religious belief?</p> <p>19 A Yes. Uh-huh.</p> <p>20 Q Have you ever terminated anybody else because</p> <p>21 of the belief that they were acting contrarily</p> <p>22 to your religious faith?</p> <p>23 A No.</p> <p>24 Q Are there any other circumstances you can think</p> <p>25 of where you would terminate somebody for</p>
<p style="text-align: right;">Page 54</p> <p>1 have been talking about today. Is it the case</p> <p>2 that continuing to employ Stephens would</p> <p>3 violate the free exercise rights of Harris</p> <p>4 under the Constitution?</p> <p>5 A Yes.</p> <p>6 Q Okay.</p> <p>7 A Yes. I believe so.</p> <p>8 Q Okay. How so?</p> <p>9 A Well, I do believe in my -- from my personal</p> <p>10 faith aspect as a follower of Jesus Christ that</p> <p>11 I have the right to minister to the families</p> <p>12 and the people that I serve in a way that is</p> <p>13 protective and safe for them, and meets their</p> <p>14 needs as they begin to heal in such a way that</p> <p>15 they're protected and safe, and having an</p> <p>16 individual that does not conform to our dress</p> <p>17 code is not appropriate.</p> <p>18 (Mr. Schrameck entered the</p> <p>19 conference room at 10:48 a.m.)</p> <p>20 BY MR. PRICE:</p> <p>21 Q So, your personal faith as a follower of Jesus</p> <p>22 Christ tells you that it would be improper</p> <p>23 or -- to employ someone like the person you</p> <p>24 knew as Anthony Stephens?</p> <p>25 A Absolutely.</p>	<p style="text-align: right;">Page 56</p> <p>1 violating your religious beliefs?</p> <p>2 A No, offhand I can't.</p> <p>3 Q Okay. Are your religious expectations</p> <p>4 communicated to your employees in any way?</p> <p>5 A I would say indirectly.</p> <p>6 Q Indirectly?</p> <p>7 A Yes.</p> <p>8 Q How so?</p> <p>9 A Well, number one, they know the material is</p> <p>10 around the funeral home.</p> <p>11 Q The material?</p> <p>12 A Yeah, I mean, we have little devotional books</p> <p>13 for people to pick up, they have these Jesus</p> <p>14 cards, they know where I attend church. They</p> <p>15 do know, yes.</p> <p>16 Q Okay. Would the continued employment of</p> <p>17 Stephens have interfered with your right to</p> <p>18 place the devotional booklets or Jesus cards</p> <p>19 around your facility?</p> <p>20 A No.</p> <p>21 Q Would it have been interfered in any way with</p> <p>22 your ability to continue to worship as you</p> <p>23 chose?</p> <p>24 A Go back to the question. You said just because</p> <p>25 he was there or if he was there dressed as a</p>

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1 woman?

2 Q After he made the announcement to you, okay?

3 Would the continued presence of Stephens as an

4 employee presenting as female have interfered

5 with your ability to place devotional booklets

6 or Jesus cards?

7 A No, he wouldn't be an employee.

8 Q Okay. I'm just speaking hypothetically.

9 A Yes, that is hypothetical. Yeah.

10 Q Okay. But you could have still placed Jesus

11 cards and devotional booklets, right? There's

12 nothing about Stephens presence that would

13 affect that?

14 A No, hypothetically.

15 Q Okay. Likewise, hypothetically, there would

16 have been nothing about Stephens presence that

17 would have affected your ability to go to Oak

18 Pointe or Highland Park, correct?

19 A Yeah, hypothetically, yes.

20 Q Okay. Would you say that your dress code for

21 men and women also embodies your religious

22 beliefs? As to how men and women are supposed

23 to dress?

24 A No, I would say our dress code conforms to what

25 is acceptable attire in a professional manner

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1 for the services that we provide. In other

2 words, there's an expectation for people that

3 work in a funeral home how they're going to

4 dress and how they're going to look.

5 Q Okay.

6 A The culture dictates that.

7 Q So the culture dictates what you're supposed to

8 be wearing?

9 A To some extent, uh-huh.

10 Q But isn't it the case that the dress code does

11 align with the way you believe that men should

12 dress in the workplace and that women should

13 dress in a workplace?

14 A Yes, of course.

15 Q Okay. And that also aligns with your religious

16 beliefs on that point?

17 A I guess if you want to put it in that term, but

18 I don't know what it would have to do with

19 religious terms.

20 Q Okay.

21 A I mean, you're an attorney, you have a white

22 shirt and a tie like just about all attorneys

23 look. You have a certain dress.

24 Q Okay. You indicated earlier that God made men

25 as men and women as women. That was one of

Page 59

1 your concerns about continuing to employ

2 Stephens. You have a deep belief in that --

3 A Yes.

4 Q -- stemming presumably from Genesis, correct?

5 A Yes.

6 Q Male and female, he created them?

7 A Yes.

8 Q Okay. So, men and women should dress

9 accordingly in your opinion, right, men should

10 dress as men and women should dress as women;

11 is that one of your concerns with Stephens?

12 A For employment at the funeral home, yes.

13 Q Okay. Now, you indicated also that one of the

14 concerns you had was that people be protected

15 and safe in the grieving process, I believe so.

16 How would continuing to employ Stephens affect

17 that?

18 A Well, his employment there would be looked upon

19 as -- well, a -- let me back up.

20 Let's see. Families come to us

21 because they want an environment where they can

22 begin the grieving process and the healing

23 process and begin the experience of healing.

24 We're there to meet their emotional, relational

25 and spiritual needs. They're there with their

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1 family and friends in an environment that they

2 don't need some type of a distraction that is

3 not appropriate for them and their family that

4 they want to be involved in. And his continued

5 employment would negate that.

6 Q So it's your belief that continuing employment

7 would have posed that kind of distraction to

8 people who are coming to use your services?

9 A Absolutely.

10 Q Okay. You never saw Stephens in anything other

11 than a suit and tie, correct?

12 A That is correct.

13 Q Okay. So, you can't speak as to how Stephens

14 would have presented -- you never saw Stephens

15 present in female attire, correct?

16 A Correct.

17 Q Okay. So you don't know how they would have --

18 how Stephens would have looked, correct?

19 A I don't know how he would have looked, no.

20 Q Okay. So, but nevertheless, despite that it

21 was your belief that it would have been a

22 distraction?

23 A Yes.

24 Q Why would it be distracting for Stephens to so

25 present?

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1 follower of Jesus to present that faith through
2 your business?

3 A That is true.

4 Q However, when you were presented with the
5 letter, that did interfere with --

6 MR. KIRKPATRICK: Objection, what
7 letter are you talking about?

8 MR. PRICE: The letter Stephens
9 gave you.

10 MR. KIRKPATRICK: Okay.

11 BY MR. PRICE:

12 Q So when you were presented with that letter, at
13 that point it was your belief that there was --
14 they could no longer serve that function, he
15 could no longer serve that function?

16 A That is true. He what not going to conform to
17 the dress code that was required.

18 Q The dress code is part of that ministry,
19 correct?

20 A Yes, it is.

21 Q Okay. And it's part of the way you present
22 your business through -- as a follower of Jesus
23 Christ, correct?

24 A Yes.

25 Q And part of the way that you present your

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1 business and your ministry and your exercise of
2 your religious freedom is that men should be
3 dressing in suits as part of this process and
4 that women should be dressing conservatively in
5 skirts, correct?

6 A Yes.

7 Q Now, with respect to this and also the previous
8 affirmative defense, did you ever raise
9 religious freedom or free exercise during the
10 investigation as a basis for your
11 decision-making?

12 A When the young lady was there?

13 Q Yeah. Or any other point?

14 A I don't recall.

15 Q Okay. If I tell you that there was no such
16 mention in any of the filings that came through
17 your attorney of religious freedom or free
18 exercise, would you have any explanation for
19 why that is?

20 A No.

21 Q Okay. Do you have any understanding why the
22 religious freedom and free exercise were not
23 mentioned in your first Answer to the Complaint
24 that was filed starting this lawsuit?

25 A No.

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1 MR. KIRKPATRICK: Objection,

2 relevance, but you already answered, so --

3 BY MR. PRICE:

4 Q Is it your belief that you at any point talked
5 about religious freedom or free exercise during
6 the investigation part of the case?

7 A To the young lady?

8 Q Yeah.

9 A No.

10 Q You did not do so?

11 A I don't believe so.

12 Q Do you believe that you did so at any point
13 through stuff that was filed on your behalf?

14 A I don't believe so.

15 Q Okay. And you have no understanding of why you
16 would not have done so?

17 A No.

18 Q Okay. Do you claim that any other statutes
19 violate your religious freedom rights? We've
20 talked about, like, Americans with Disabilities
21 Act, you don't believe that that affects your
22 free exercise or religious freedom, correct?

23 A Right.

24 Q Okay. Equal Pay Act, you don't believe that
25 that affects your free exercise or religious

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1 freedom rights?

2 A Right.

3 Q Age Discrimination Employment Act, that also
4 does not affect your free exercise or religious
5 freedom rights?

6 A That's true.

7 Q Okay. And Title VII, bracketing the dispute we
8 have here, but Title VII provisions on race,
9 color, national origin, religion and sex also
10 don't violate your free exercise rights?

11 A That's is true.

12 Q Okay. Or religious freedom rights, correct?

13 A Okay. Yes.

14 Q Is that the case?

15 A Yes.

16 Q Okay. So, again, it sounds like it's going to
17 be kind of repeated, but so the -- it is your
18 argument that the continued employment of
19 Stephens after Stephens had announced in the
20 letter to you that he was going to present as
21 female, violates your religious freedom?

22 A Yes.

23 Q Okay.

24 A Absolutely.

25 Q And there's no other way that the EEOC's claims

<p style="text-align: right;">Page 81</p> <p>1 Q Apart from that, is there any other statement 2 you can think of? 3 A No. 4 Q Okay. Now, when you deeded -- when you passed 5 some of the stock onto your family, was there 6 any kind of restriction or statement of purpose 7 that they had to sign? 8 A No. 9 Q Okay. Is there anything other than this 10 Exhibit 4, and the mission statement on the web 11 page which sets forth the purposes of Harris? 12 A No. 13 Q Okay. Is there anything anyone has to sign 14 indicating one's going to uphold Harris' 15 principles before you get stock or anything 16 like that? 17 A No. 18 Q Okay. Is -- are employees of Harris expressly 19 asked if they were -- are going to be upholding 20 the religious values of the corporation? 21 A They're not asked that, no. 22 MR. PRICE: Okay. All right. I'm 23 going to mark this as 5, please. 24 (Deposition Exhibit No. 5 was 25 marked for identification.)</p>	<p style="text-align: right;">Page 83</p> <p>1 it, for example? 2 A They're not directed to read it, but I think it 3 might be in their little employee manual. 4 Q Okay. And it's your understanding it's been up 5 for about 15 years? 6 A I would say so. 7 Q And it -- you say it's basically to let people 8 know who are and what you're about? 9 A Yes. 10 Q And the public too, obviously? 11 A Yeah, for the public, sure. 12 Q Sure. And it indicates that you provide 13 services to people of all cultural and 14 religious backgrounds. And you've already 15 testified about that before. 16 A Uh-huh. 17 Q Okay. Now, when you're hosting a service for 18 somebody who is not of the Christian religion, 19 what's involved with that? Is there anything 20 that people bring in, religious artifacts from 21 their religion or anything like that? Is there 22 anything done to prepare the chapel 23 differently? 24 MR. KIRKPATRICK: Can I object, 25 that's kind of a compound question.</p>
<p style="text-align: right;">Page 82</p> <p>1 MR. KIRKPATRICK: Thank you. 2 THE WITNESS: (Reviewing.) 3 BY MR. PRICE: 4 Q Please take as much time as you need to review 5 that. 6 A (Reviewing.) 7 Q Okay. Do you recognize this document? 8 A Yes. 9 Q Okay. Now it says at the bottom that it's a 10 web page capture as of May 15th, 2014. But, 11 does this look like an accurate depiction of 12 the Harris' mission statement? 13 A Yes. 14 Q Is there anything that has changed in this? 15 A No. 16 Q How long has this mission statement been 17 posted, as far as you know? 18 A Oh, probably 15 years. 19 Q And what is the purpose of the mission 20 statement? 21 A It was originally designed to just kind of put 22 some focus on and give some definition to who 23 we are and what we want to be about. 24 Q Is there anything like this given to employees 25 when they're hired? Are they directed to read</p>	<p style="text-align: right;">Page 84</p> <p>1 BY MR. PRICE: 2 Q Okay. Is there -- do people bring in objects 3 of their religion if it's -- 4 A They do. 5 Q Is the chapel decorated differently? 6 A Not from our perspective. 7 Q Okay. What's -- how is the chapel decorated? 8 What does it look like? 9 A It's like a living room. We don't have a 10 formal chapel. 11 Q Okay. 12 A So it's like a living room in your house. 13 Q Is there any kind of specifically Christian 14 decorations in the chapel? 15 A No. Not specific, no. 16 Q And that makes it easier for people of -- who 17 are not of the Christian faith to be able to 18 use it? 19 A That's true. Uh-huh. 20 Q Correct? 21 A Correct. 22 Q And you have to be sensitive to that. I mean, 23 you don't want to offend people of another 24 religion, correct, that are coming here to use 25 your facility?</p>

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1 A Well, it wouldn't be intent to.
 2 Q Okay.
 3 A Yeah.
 4 Q So that's why it's kept as living room-like as
 5 possible?
 6 A Yes.
 7 Q Okay. And at the bottom there is a quote from
 8 the Gospel of Matthew, Chapter 6, Verse 33.
 9 A Uh-huh.
 10 Q Did you pick that verse?
 11 A I did.
 12 Q And how long has the verse been up there?
 13 A Same, same amount of time.
 14 Q About 15 years?
 15 A Uh-huh.
 16 Q And why did you pick that verse?
 17 A Oh, I don't know, I just thought it was
 18 appropriate.
 19 Q Why?
 20 A Because I believe in it and it would represent
 21 my faith.
 22 MR. PRICE: I hate to do this, but
 23 I need to take another break.
 24 (Off the record at 11:33 a.m.)
 25 (Back on the record at 11:45 a.m.)

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1 BY MR. PRICE:
 2 Q Just to clarify, earlier, actually a couple
 3 times you described it as -- your business as a
 4 ministry. What do you mean by that?
 5 A Well, what I mean by that is, it's a ministry
 6 to people to serve them on the worst day of
 7 their lives for them and their family, and they
 8 come to us under the highest anxiety that they
 9 can possibly have, and they need help.
 10 They need help to make
 11 decisions and they need help to get their lives
 12 and their family's lives back together and
 13 that's why we say that we're there to help them
 14 begin healing and to help them meet their
 15 emotional, relational and spiritual needs. And
 16 in a sense so much of what we do is involved,
 17 in a religious way if you want to call it that,
 18 it is a ministry. And my faith calls me to do
 19 that.
 20 Q Your faith informs the way you operate the
 21 ministry?
 22 A Yes. Yes. Absolutely.
 23 Q Moving on to Number 7 in the Deposition Notice,
 24 it talks about "Non-privileged communications
 25 concerning or touching upon Harris' exercise of

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1 religion through or in the course of operating
 2 its business."
 3 Now, this may be somewhat
 4 repetitive, but you've already kind of talked
 5 about how you put out the Daily Breads in
 6 your -- and pamphlets.
 7 A Uh-huh.
 8 Q And that's at all of the Harris locations?
 9 A Uh-huh.
 10 Q "Yes"? I'm sorry.
 11 A Yes.
 12 Q And you have the Jesus cards put out at all of
 13 the locations?
 14 A Yes.
 15 Q Okay. Can you think of any other ways that
 16 Harris communicates or exercises its religion
 17 through business operations?
 18 A Well, other than the way we practice our
 19 business and we practice our faith through our
 20 business. But not in a direct -- with things
 21 around or like you had referred to at Christmas
 22 and Easter, no, nothing.
 23 Q No direct evangelism or anything like that?
 24 A No, there's no direct, no.
 25 Q Okay. You're not putting out newspaper ads

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1 calling people to faith in Jesus or anything
 2 like that?
 3 A No. No.
 4 Q Or like religious, you know, Happy Easter --
 5 A No.
 6 Q -- with reference to the Resurrection or
 7 anything like that; you're not publishing that
 8 sort of thing?
 9 A No.
 10 Q You're not even publishing that sort of thing
 11 on your website or your Facebook page, correct?
 12 A No.
 13 Q And as you've said before, you are open to
 14 people of all sorts of religions or none,
 15 correct?
 16 A That is true.
 17 Q And in terms of clients or even in terms of
 18 possibly hiring people, correct?
 19 A Yes.
 20 Q Now moving on to Number 8 out of 13. "Facts
 21 concerning Harris' exercise of religion in
 22 conducting its business operations or in its
 23 personnel practices."
 24 Again, we've kind of plowed this
 25 ground a little bit before, but you've -- we

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1 have talked a bit about this, but with respect
 2 to when you're open, are you open 24/7, 365?
 3 A Yes.
 4 Q Okay. And that's all the locations?
 5 A Yes.
 6 Q And you do have paid holidays for the
 7 employees, correct?
 8 A Correct.
 9 Q All right. Christmas is one of them?
 10 A Yes.
 11 Q Okay. But if I read the employee manual
 12 correctly, Easter is not a paid holiday; is
 13 that correct?
 14 A That is correct.
 15 Q Okay. Why is that the case?
 16 A It's not a legal holiday.
 17 Q Okay. So paid holidays are the ones that are
 18 legal holidays?
 19 A Correct.
 20 Q And Harris is open on Easter, correct?
 21 A Oh, yes.
 22 Q Now when you have a holiday like Christmas or
 23 Easter, do all of the people show up?
 24 A No.
 25 Q Okay. What kind of staffing do you have?

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1 A Usually just a manager and maybe a part-time
 2 person.
 3 Q Are there people on call?
 4 A Well, that would be the person that's on call
 5 and working too.
 6 Q Okay.
 7 A They do everything.
 8 Q All right. Now, have you -- you indicated
 9 you've done cremation related services within
 10 the home. Have you done the religious services
 11 like other religions, like a Hindu, do they
 12 sometimes have funeral services in the home
 13 that you've gone to?
 14 A Yes. Hindu, they do. They tend to go to the
 15 crematory and do it right there, but they do it
 16 in a funeral home setting.
 17 Q Also, do you ever do in-home funeral related
 18 services?
 19 A On rare occasions.
 20 Q Okay. What circumstances?
 21 A Just that the family would want it.
 22 Q Okay. Can you think of any religions --
 23 A No, has nothing to do with religion.
 24 Q Okay. Are Sundays full staff days?
 25 A No.

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1 Q What is the staffing on a Sunday?
 2 A It's just about like a holiday.
 3 Q Okay. What about Saturdays?
 4 A That's a full staff day.
 5 Q Sundays, when you say it's just about like a
 6 holiday, is there more people on --
 7 A No, there's just one manager on, and a few
 8 other people.
 9 Q And what other people?
 10 A In some instance there is a funeral director, a
 11 licensed funeral director that might be working
 12 that Sunday and then some part-time people.
 13 Q What part-time people?
 14 A Well, we use the ladies.
 15 Q The administrative people?
 16 A Yeah, we call them administrative assistants.
 17 Q Anyone else?
 18 A No.
 19 Q Does Harris provide health insurance to
 20 employees?
 21 A Yes.
 22 Q Okay. What kind of health insurance?
 23 A Just regular health insurance, I guess.
 24 Q I -- there was something in the manual about
 25 Blue Cross/Blue Shield?

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1 A Well, we used to, but we don't have Blue Cross
 2 and Blue Shield for them now.
 3 Q Okay.
 4 A Yeah, it's --
 5 Q Who is it now, do you know?
 6 A I do not. You could ask Shannon.
 7 Q Okay.
 8 A I don't want to speculate because I'm now on
 9 Medicare, so --
 10 Q Okay.
 11 A That's what happens when you get old.
 12 MR. KIRKPATRICK: A young man like
 13 you, huh?
 14 THE WITNESS: A young man like --
 15 that's why I got to keep you guys paying taxes.
 16 BY MR. PRICE:
 17 Q With -- with respect to the health insurance
 18 that's offered, do you know what's covered?
 19 A I do not.
 20 Q Do you recall if you've had any things that you
 21 will not cover?
 22 A No, I don't recall that, no.
 23 Q Okay. So you don't know if there's any -- do
 24 you recall if there's anything like on a
 25 religious basis where it won't cover abortions

<p style="text-align: right;">Page 93</p> <p>1 or anything like that?</p> <p>2 A No.</p> <p>3 Q And you don't know if there's any such</p> <p>4 restrictions?</p> <p>5 A No, I do not know.</p> <p>6 Q You have not asked for any such restrictions?</p> <p>7 A I have not.</p> <p>8 Q Okay. Or any other kind of things that might</p> <p>9 be controversial, sterilizations or anything</p> <p>10 like that?</p> <p>11 A Correct. No.</p> <p>12 Q All right. So you had no moral objections to</p> <p>13 your insurance coverage that you've put in</p> <p>14 place?</p> <p>15 A Whatever is there, yes.</p> <p>16 Q Whatever is offered you take?</p> <p>17 A Yeah, whatever is offered is -- yeah.</p> <p>18 Q Okay. That was back in the case when it was</p> <p>19 Blue Cross as well?</p> <p>20 A Yes.</p> <p>21 Q Okay. And you said Ms. Kish would be the one</p> <p>22 to ask questions about --</p> <p>23 A She would know the company, uh-huh.</p> <p>24 Q Okay. To your knowledge, have you done</p> <p>25 funerals for people, Episcopalians?</p>	<p style="text-align: right;">Page 95</p> <p>1 have to kind of --</p> <p>2 A No.</p> <p>3 MR. KIRKPATRICK: I would object on</p> <p>4 relevance, but go ahead and answer if you can.</p> <p>5 THE WITNESS: Yeah, there's no --</p> <p>6 no.</p> <p>7 BY MR. PRICE:</p> <p>8 Q Okay. But it would tell the minister and the</p> <p>9 denomination for which they worked?</p> <p>10 A Well, it might not have all -- all of the</p> <p>11 denominations, but it would have the minister's</p> <p>12 name.</p> <p>13 Q Okay. All right. Do you advertise for</p> <p>14 employees? When you need them?</p> <p>15 A Sometimes. Sometimes, yes.</p> <p>16 Q Where do you advertise when you -- on the</p> <p>17 occasions you do so?</p> <p>18 A You know, I have -- it's been so long, that</p> <p>19 I -- I have advertised or contacted like the</p> <p>20 mortuary school, Wayne State mortuary school if</p> <p>21 I need somebody like that. But my managers are</p> <p>22 advertising online now for staff. I don't know</p> <p>23 where that is or how they do it, but they go</p> <p>24 online now, that seems to be the new thing.</p> <p>25 Q Would Ms. Kish have any understanding of that?</p>
<p style="text-align: right;">Page 94</p> <p>1 A Sure.</p> <p>2 Q How recently? Any recently?</p> <p>3 A Don't know.</p> <p>4 Q Okay. You can't specifically recall?</p> <p>5 A No.</p> <p>6 Q What about Evangelical Lutherans?</p> <p>7 A Yes.</p> <p>8 Q Okay. Recently, but no specifics?</p> <p>9 A I wouldn't know.</p> <p>10 Q Okay. Is there any way that you would keep</p> <p>11 track of the type of -- is there any kind of</p> <p>12 log where you would be able to tell what</p> <p>13 religious services have been held at --</p> <p>14 A Yeah, we would have the minister's name in the</p> <p>15 church that was the officiant.</p> <p>16 Q Because you would have a list of the</p> <p>17 officiants?</p> <p>18 A Yes, on their -- what we would call a worksheet</p> <p>19 for that particular individual.</p> <p>20 Q Okay. And how far back do the worksheets go?</p> <p>21 A I guess 1910. I don't know. They don't go</p> <p>22 back that far.</p> <p>23 Q I'm sure they don't. But okay. But there is a</p> <p>24 list you would note the officiant and so forth.</p> <p>25 Is there a regulatory purpose for that? Do you</p>	<p style="text-align: right;">Page 96</p> <p>1 A She might.</p> <p>2 Q Okay. But it would be left in the hands of the</p> <p>3 managers pretty much?</p> <p>4 A Yes, for their staff.</p> <p>5 Q Okay. Moving on to Number 9 in the deposition</p> <p>6 notice, "Facts concerning any claimed</p> <p>7 substantial burden to Harris' exercise of</p> <p>8 religion caused by the EEOC's claims."</p> <p>9 And we've already kind of talked</p> <p>10 about how you believe that your continued</p> <p>11 employment of Stephens would have been a</p> <p>12 violation of your free exercise and religious</p> <p>13 freedom rights.</p> <p>14 A That is correct.</p> <p>15 Q Okay. Is there anything else about any of the</p> <p>16 claims that the Commission has filed that would</p> <p>17 burden, substantially burden your exercise of</p> <p>18 religion?</p> <p>19 A Well, not any additional claims, but just that</p> <p>20 claim itself is a violation of my -- my</p> <p>21 religious rights.</p> <p>22 Q As we discussed previously?</p> <p>23 A As we discussed, exactly.</p> <p>24 Q Okay. Do you have in your locations, do you</p> <p>25 have like the employee posters that explain,</p>

<p style="text-align: right;">Page 105</p> <p>1 Q Is the medical reimbursement policy still in 2 effect? 3 A Yes, it is. 4 Q Okay. And -- okay. Now, it sets forth the 5 dress code policy. And so forth. Are there -- 6 apart from this document, Exhibit 6, and -- 7 well, apart from this, are there any other 8 documents which set forth Harris' expectations 9 for its employees? 10 A No. 11 Q Okay. Now there is nothing -- I could be wrong 12 and I missed it, but I did not see anything 13 setting forth any kind of religious expression 14 within the manual? 15 A No, there -- no, there isn't anything there for 16 that. 17 Q Okay. Nothing setting forth your, you know, 18 religious faith as expressed through Harris in 19 there. Why is that the case? 20 A Doesn't seem like it would be part of an 21 employee manual for what we want to accomplish 22 here. When you're as small as we are, you 23 can -- 24 Q So you wouldn't want to put that in there, you 25 want to put --</p>	<p style="text-align: right;">Page 107</p> <p>1 relied upon in terminating Ms. Stephens." 2 Basically we'll be talking about 3 just that whole process, determining to end the 4 employment of Aimee Stephens. 5 Now, were -- you were involved in 6 the hiring of Stephens, correct? 7 A I was. 8 Q What role did you play? 9 A I believe, if I remember, he -- he just came in 10 looking for a job. I don't think he came in 11 from an advertisement. I don't remember the 12 circumstances. But, I believe I was the 13 initial one that interviewed him. 14 Q Okay. And what job was this for? 15 A For a funeral director/embalmer, I guess. 16 Q Did you check-out the resume and references? 17 A Don't know. 18 Q Did you ever have any reason to believe that 19 Stephens did not have the certifications or 20 background to do the job? 21 A No. 22 Q In fact Stephens was able to perform the jobs 23 of a funeral director and embalmer, correct? 24 A He was. Uh-huh. 25 Q All right. Now, was there somebody already</p>
<p style="text-align: right;">Page 106</p> <p>1 A Well, I'd be happy to do that, but, you know, 2 when you're as small as we are, we're talking 3 all the time, you don't need to have everything 4 written down. 5 Q Okay. Are there any unwritten policies? 6 A No. 7 Q Okay. Any unwritten expectations of employees? 8 A No. 9 Q Are there any reviews conducted, evaluations, 10 that sort of thing? 11 A Not -- not in a -- in a formal setting. 12 Q Not like an annual review process or anything 13 like that? 14 A No. No. 15 MR. PRICE: All right. I'm going 16 to take a break before we finish the last 17 section. 18 (Off the record at 12:10 p.m.) 19 MR. PRICE: Okay. We are back on. 20 (Back on the record at 12:17 p.m.) 21 BY MR. PRICE: 22 Q Moving on to 30(b)(6) Deposition Notice, Number 23 13, "The circumstances and reasons for Aimee 24 Stephens' separation from employment -- of 25 employment from Harris and all policies Harris</p>	<p style="text-align: right;">Page 108</p> <p>1 working as a funeral director and embalmer at 2 that time? 3 A Don't know. 4 (Mr. Schrameck exited the 5 conference room at 12:19 p.m.) 6 BY MR. PRICE: 7 Q Okay. What location was this? 8 A This is at the Garden City location. 9 (Jeffrey Schrameck entered the 10 conference room at 12:19 p.m.) 11 BY MR. PRICE: 12 Q All right. Do you recall whether or not 13 Stephens replaced somebody at that location? 14 A I don't recall. I don't know. 15 Q Is it possible? 16 A Oh sure, it's possible. 17 Q Okay. During your interview with Mrs. 18 Dickinson, I believe you said that Stephens 19 could do the job, correct? 20 A Yes. 21 Q All right. We've already talked earlier about, 22 you know, that Stephens showed sensitivity and 23 compassion to the clients who came in, correct? 24 A Yes. 25 Q Okay. And that there were no -- is it safe to</p>

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1 say then that there were no performance-related
 2 reasons for termination of employment?
 3 A Not at that time, but we did have some issues
 4 beforehand.
 5 Q But they didn't motivate the decision to
 6 terminate the employment, correct?
 7 A No. No.
 8 Q So performance was not the basis for discharge?
 9 A That's right.
 10 Q Did you have any kind of suspicion that --
 11 prior to receiving the letter from Stephens
 12 announcing this desire to present as female,
 13 did you have any suspicion or thought that
 14 anything like that could be happening?
 15 MR. KIRKPATRICK: Objection.
 16 THE WITNESS: No --
 17 MR. KIRKPATRICK: Objection based
 18 on foundation. Go ahead.
 19 THE WITNESS: No.
 20 BY MR. PRICE:
 21 Q Okay. How did you receive this letter?
 22 MR. PRICE: And let's have it
 23 marked as 7, please.
 24 (Deposition Exhibit No. 7 was
 25 marked for identification.)

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1 THE WITNESS: (Reviewing.)
 2 BY MR. PRICE:
 3 Q Have you had a chance to review the letter?
 4 A Well, I -- I know it from before.
 5 Q Okay. You recognize it then?
 6 A Yes.
 7 Q Okay. Is this the letter that Stephens gave to
 8 you?
 9 A Yes.
 10 Q Okay. How did you come to get it?
 11 A He handed it to me.
 12 Q Okay. Where was this?
 13 A I believe at the Garden City location.
 14 Q Now, do you visit all the facilities every day?
 15 A No.
 16 Q No. Okay. How often do you get out to each of
 17 them?
 18 A Oh, I'm -- couple times a week. Yeah.
 19 Q Okay. Do you recall time of day, whatever,
 20 like that?
 21 A I don't recall. I'm assuming he wanted -- he
 22 asked me to speak to him. I don't recall that
 23 though.
 24 Q Okay. Do you recall -- was it in an office
 25 there?

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1 A I believe it was just in the chapel.
 2 Q Okay.
 3 A What we call a chapel.
 4 Q The living room facility?
 5 A The living room, yes. You probably wouldn't
 6 call it that.
 7 Q Okay. Was there anybody else present?
 8 A No.
 9 Q Do you recall the time of day?
 10 A I don't.
 11 Q Okay. So Stephens asked to meet with you or
 12 just approached you, what was the --
 13 A I'm not quite sure.
 14 Q Okay. Handed you the letter, though, correct?
 15 A Uh-huh.
 16 Q All right. You read the letter?
 17 A I read the letter.
 18 Q Okay. What was your reaction upon reading it?
 19 A Well, it was kind of a shocking letter. I
 20 believe I just said to him that I would get
 21 back to him. He was going to go away on
 22 vacation in a couple weeks and I would get back
 23 to him.
 24 Q He was going on vacation?
 25 A Yes.

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1 Q Stephens was going on vacation?
 2 A Yes.
 3 Q Okay. All right. Did Stephens say anything to
 4 you?
 5 A I think he just -- he explained to me how he
 6 had been taking medication, I don't know how
 7 long, but he had been involved in wanting to
 8 present himself as a female.
 9 Q Okay. Anything else?
 10 A I don't believe so.
 11 Q You indicated you were shocked at the letter.
 12 Did you have any other feelings about it?
 13 A No, I don't think so.
 14 Q Okay. You indicated that you would get back --
 15 you were going to decide what to do?
 16 A Yes.
 17 Q Okay. So what did you do next?
 18 A Contacted our corporate attorney.
 19 Q Okay. And I don't want to know anything about
 20 details or anything like that. But who is your
 21 corporate attorney?
 22 A David Thoms.
 23 Q Was that the same day?
 24 A I'm not sure.
 25 Q All right. Do you recall roughly when -- are

<p style="text-align: right;">Page 113</p> <p>1 we talking about the first week of August here, 2 end of July, what's the time frame for this? 3 A I'm going to say it was in August, because it 4 seemed like he was going to go away in 5 September and so I think it was two weeks 6 before. So, I think it was probably certainly 7 in August. 8 Q Certainly in August. Okay. Now, who is David 9 Thoms? 10 A He's an attorney. 11 Q From what firm? 12 A Miller Canfield at the time. 13 Q Where is Mr. Thoms now? 14 A He's just moved to another law firm and I don't 15 know the name offhand. 16 Q Okay. Still your corporate attorney, though? 17 A He is. 18 Q How long has Mr. Thoms been your corporate 19 attorney? 20 A 40 years. 21 Q What kind of work does Mr. Thoms do for you, 22 what kind of -- 23 A Well, whatever corporate attorneys do. You 24 know, they fill out our forms and -- 25 Q Okay. The corporate filings --</p>	<p style="text-align: right;">Page 115</p> <p>1 Q Okay. With respect to the persons at R.G. & 2 G.R. Harris, who did you -- what did you talk 3 about; what did you say specifically to them? 4 A To them? 5 Q Yes. 6 A I just presented the letter, showed them the 7 letter. That's all. 8 Q Did you ask them for any input or anything like 9 that? 10 A I don't recall on that. They didn't have much 11 to say. 12 Q That was my next question. Do you recall any 13 other -- do you recall reactions to the letter 14 or anything like that? 15 A No. They were surprised, of course. 16 Q Anything else you recall being said? 17 A No. 18 Q Why did you present the letter to them? 19 A Well, they're part of my management team. They 20 need to be informed what's going on. 21 Q Okay. What did you do next? 22 A I'm not sure what I did next, but I -- 23 eventually I had a conversation with Miller 24 Canfield and the lady that handled their 25 department for whatever that is -- whatever</p>
<p style="text-align: right;">Page 114</p> <p>1 A Corporate filings and minutes and things like 2 that, yeah. 3 Q And again, without getting into detail, have 4 you ever consulted with respect to hiring and 5 firing decisions? 6 A I may have. I don't recall offhand, though. 7 Q Now did you contact Mr. Thoms by e-mail or was 8 it a phone call? 9 A Phone call. 10 Q Okay. So, was it that same day? I'm sorry. 11 A I'm going to assume the same day or certainly 12 the next day. 13 Q Okay. What was the next thing you did? 14 A Well, of course I faxed him the letter and 15 asked him what our response should be. 16 Q What was the next thing you did? 17 A I talked to my managers, made them aware, let 18 them know. 19 Q Which managers? 20 A What we -- all of them. All of them. 21 Q Who were they at the time? 22 A Well, Dave Cash and it was -- a George Crawford 23 that actually worked at the Garden City 24 location at the time, and my son and Shannon 25 Kish.</p>	<p style="text-align: right;">Page 116</p> <p>1 department that would be. 2 Q Okay. Do you recall the lady's name? 3 A I do not. 4 MR. KIRKPATRICK: Objection on 5 relevance on contacting lawyers. I mean, you 6 already established that you talked to Dave 7 Thoms. 8 THE WITNESS: Yeah. 9 BY MR. PRICE: 10 Q Well, you talked to another person from 11 Canfield; who was that? 12 A Well, he put me in touch with -- yeah, somebody 13 else. 14 Q Don't recall her name? 15 A No. Uh-uh. And I know she's not there 16 anymore. 17 Q Okay. What did you do next? 18 A Well, then I was in touch with Joel. It came 19 over to Joel. I was in touch with Joel. 20 Q Had you worked with Mr. Kirkpatrick before? 21 A No. 22 Q Okay. Do you recall when you first met with 23 that -- in a time frame -- in reference to the 24 letter, how soon after? 25 A I would say -- let's say ten days later.</p>

<p style="text-align: right;">Page 117</p> <p>1 Q All right. What was the next thing that you 2 did?</p> <p>3 A Well, I met with Joel and --</p> <p>4 Q We don't need to know the substance.</p> <p>5 MR. KIRKPATRICK: Let's just be 6 clear I'm objecting now, we're getting into 7 some privileged communication.</p> <p>8 THE WITNESS: Oh, okay.</p> <p>9 MR. KIRKPATRICK: So I think -- I 10 don't want to tell you what you're asking, but 11 what did you do after -- what was next thing 12 that happened. I -- go on and ask your 13 question.</p> <p>14 BY MR. PRICE:</p> <p>15 Q Right. I do not want to, I'm not entitled to 16 know what your conversations with your attorney 17 are. So that is a privileged matter, but I do 18 want to know what you yourself did.</p> <p>19 A Well, the only thing I did was -- was meet with 20 him and then formulate a letter in response.</p> <p>21 Q Was this the severance letter?</p> <p>22 A Yes.</p> <p>23 Q Okay. So you decided to terminate Aimee 24 Stephens' employment, correct?</p> <p>25 A Yes. That -- yes. Yes.</p>	<p style="text-align: right;">Page 119</p> <p>1 Q Generally did you have any mindset behind 2 offering that -- your thinking behind offering 3 an agreement in this case?</p> <p>4 A Well it was just, I would say, to see if there 5 was some kind of a fair agreement that we could 6 come to with his leaving under the 7 circumstances.</p> <p>8 Q Okay.</p> <p>9 MR. KIRKPATRICK: I'm going to 10 object to this line of questioning on the fact 11 that this goes along with settlement 12 discussions, potentially, and that's not 13 admissible.</p> <p>14 MR. PRICE: Okay. Well, let me see 15 if I can --</p> <p>16 BY MR. PRICE:</p> <p>17 Q You did -- as part of the severance agreement 18 wasn't there an agreement to waive Title VII 19 claims?</p> <p>20 MR. KIRKPATRICK: Again, it's -- 21 I'm just going to object again and place it so 22 we're really clear that we're getting into 23 settlement options which are not admissible in 24 court.</p> <p>25 MR. PRICE: Well, the fact that --</p>
<p style="text-align: right;">Page 118</p> <p>1 Q Okay. And it was your decision?</p> <p>2 A Yes, it was.</p> <p>3 Q Did you get any input from anybody else in 4 making the decision apart -- leaving aside 5 lawyer stuff, we don't want to touch that?</p> <p>6 A No. No.</p> <p>7 Q Okay. Did you tell anyone at Harris that you 8 were going to be terminating Stephens?</p> <p>9 A I don't believe so. Not ahead of time.</p> <p>10 Q Did you give a copy of Exhibit 7, Stephens' 11 letter, to your attorney, Mr. Kirkpatrick as 12 well?</p> <p>13 A Oh, yes. Yes.</p> <p>14 Q Okay. Now, why did you decide to offer a 15 severance agreement to Stephens?</p> <p>16 A It was just determined that we would want to 17 approach it that way. I don't really recall 18 why.</p> <p>19 Q Okay. Do you -- have you ever offered 20 severance agreements to any other employees 21 that you've terminated?</p> <p>22 A I have not.</p> <p>23 Q You can't think of any specific reasons why you 24 would choose to do so in this case?</p> <p>25 A Not specifically.</p>	<p style="text-align: right;">Page 120</p> <p>1 yeah, I recognize the money would not have been 2 probably admissible. The fact that there's a 3 severance --</p> <p>4 MR. KIRKPATRICK: Any settlement. 5 I know, but any settlement, any settlement 6 discussions, any settlement terms would be 7 inadmissible in court.</p> <p>8 BY MR. PRICE:</p> <p>9 Q Was there any concern on your part that you 10 might be liable under Title VII?</p> <p>11 A No, because I didn't even know what it was.</p> <p>12 Q You never heard of Title VII --</p> <p>13 A I had not.</p> <p>14 Q -- prior to this lawsuit?</p> <p>15 A No.</p> <p>16 Q Had you heard of sex discrimination before?</p> <p>17 A Oh, I've heard of the terms, yes.</p> <p>18 Q Okay. Were you aware that generally speaking 19 there was a Federal law against discrimination 20 including sex discrimination?</p> <p>21 A Yes.</p> <p>22 Q Okay. You just didn't know that the verbiage 23 was Title VII?</p> <p>24 A Yes. Yes.</p> <p>25 Q Is that correct?</p>

<p style="text-align: right;">Page 125</p> <p>1 you're -- I'm going to object on this. You're 2 asking from legal conclusions, somebody out 3 there, I don't know if I'm going to get sued or 4 not, I don't even understand if what he was 5 doing would allow him to be sued, I mean, 6 there's just a host of objections that we have 7 placed on there. 8 MR. PRICE: And I agree, but I'm 9 still allowed to ask the question in discovery. 10 MR. KIRKPATRICK: All right. 11 THE WITNESS: What was the question 12 again? 13 MR. KIRKPATRICK: If you can answer 14 the question. 15 BY MR. PRICE: 16 Q Did you have any concern that in firing 17 Stephens you would be subjecting yourself to a 18 sex discrimination lawsuit? 19 A Yes, that's always a possibility. Yes. 20 Q Has Harris ever been sued before by an employee 21 for discharge? 22 MR. KIRKPATRICK: Objection, 23 relevance. Go ahead and answer, if you can. 24 THE WITNESS: No. 25 BY MR. PRICE:</p>	<p style="text-align: right;">Page 127</p> <p>1 Q How long did this conversation take? 2 A Not very long. Couple minutes. 3 Q Couple minutes total? 4 A Uh-huh. 5 Q What did Stephens say? 6 A He was sorry that it wasn't going to work out. 7 And said that he might have to contact his 8 attorney or an attorney. And I said, "Well, 9 you do whatever you feel you have to do." And 10 that was the end of the conversation. 11 Q Did Stephens leave the facility at that point? 12 A He did. 13 Q Did you ever talk to anybody else about -- 14 apart from your management team, did you ever 15 talk to anybody else about Stephens and the 16 letter that you received? 17 A No. Obviously everybody became aware of it in 18 the staff pretty quickly, but no. 19 Q Did you let people know that you fired 20 Stephens? 21 A After the -- sure. Afterwards, sure. 22 Q Okay. Who did you contact? 23 A I probably sent it out in a little notice of 24 some kind, that's usually what we would do, 25 just to --</p>
<p style="text-align: right;">Page 126</p> <p>1 Q Okay. How did you fire Stephens; how did you 2 let Ms. Stephens know that she was being 3 released? 4 A Well, I said to him, just before he was -- it 5 was right before he was going to go on vacation 6 and I just -- I said -- I just said "Anthony, 7 this is not going to work out. And that your 8 services would no longer be needed here." 9 Q That's at the Garden City location? 10 A Yes. 11 Q What time of day was it? 12 A It was later in the afternoon. 13 Q Where did you meet Stephens? 14 A In the chapel. 15 Q Chapel again? 16 A Uh-huh. 17 Q Did you ask for the meeting or did he ask -- 18 A Yes. 19 Q All right. Did you present them with a 20 severance agreement? 21 A I did. 22 Q Okay. Apart from saying "Not going to work 23 out", do you recall anything else that you 24 said? 25 A No.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q Is that e-mail or what? 2 A No, it's fax. 3 Q Okay. Do you still have a copy of that fax? 4 A No. 5 Q Do you recall what it said? 6 A I do not. 7 Q Would you have personally faxed it or would 8 that have been something that you would have 9 Shannon or -- 10 A She would have sent it, yes. 11 Q Okay. Now, when you -- did you tell Stephens 12 about any of your concerns regarding that 13 you've talked about today, your religious 14 freedom rights, you know, the affect on the 15 ministry or anything like that? 16 A Did not talk to him about anything. 17 Q Just said "This is not going to work out"? 18 A That's exactly right. 19 Q And "Here's a severance agreement"? 20 A Yes. 21 Q And that's it? 22 A That's it. 23 Q Have you ever fired anyone else at Harris 24 because of a -- what you believe to be a 25 conflict with your religious concerns?</p>

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1 A Yes.
 2 Q And I think Mr. Price asked you about the
 3 verse, the scripture verse at the bottom?
 4 A Yes.
 5 Q The Matthew verse?
 6 A Yes.
 7 Q And asked you if that was the only thing on
 8 this mission statement or the website that
 9 describes your, you know, religious beliefs.
 10 Do you recall that?
 11 A Yes.
 12 Q Is that in fact the only thing on that website,
 13 mission statement?
 14 A Well, there is up at the top the statement that
 15 our highest priority is to honor God and all
 16 that we do as a company and as individuals.
 17 Q So that's the first statement of your mission
 18 statement?
 19 A It's the first statement and the bottom is the
 20 last statement.
 21 Q So would it be fair to say that this statement
 22 reflects your entire belief from your personal
 23 religious position?
 24 A Yes.
 25 Q Okay. I'm going to have you go with Exhibit 1,

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1 which is the answer to the Complaint. Turn to
 2 page 3.
 3 Now, you were asked by Mr. Price
 4 about the affirmative defenses; do you recall
 5 that?
 6 A Yes.
 7 Q Just so we understand, are you an attorney?
 8 A No.
 9 Q Do you have any legal training, per se?
 10 A No.
 11 Q Do you understand, perhaps conceptually, what
 12 affirmative defenses are in the context of a
 13 Federal lawsuit?
 14 A No.
 15 Q Okay. So, can you speak to perhaps what may be
 16 an appropriate affirmative defense or what
 17 might not be an appropriate affirmative defense
 18 in the context of answering a lawsuit?
 19 A No.
 20 Q Okay. You just relied on Counsel's advice?
 21 A Yes.
 22 Q All right. I'm going to ask you to review
 23 Exhibit 2. Can you tell me the date of that
 24 Exhibit at the bottom, what it's dated?
 25 A It looks like 9, September, '13.

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1 Q 2013?
 2 A Yes.
 3 Q Would it be fair to say that that date is
 4 shortly after Stephens was terminated from
 5 employment?
 6 A Yes.
 7 Q Was there a Federal lawsuit filed against your
 8 company at the time, Harris Funeral Homes at
 9 the time that that thing was filled out?
 10 A No. I -- no.
 11 Q Okay. And so, would it be fair to say that you
 12 received that document at some point; was it
 13 mailed to your location?
 14 A Yes.
 15 Q Okay. I think there was testimony you didn't
 16 recall and that it might have gotten to
 17 somebody else, but is it possible that you
 18 received that?
 19 A Yes, we would have received it, yes.
 20 Q Now, you had given some testimony pursuant to
 21 Mr. Price's questioning about why you
 22 terminated Stephens. Do you recall that?
 23 A Yes.
 24 Q Okay. Why did you -- what was the specific
 25 reason that you terminated Stephens?

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1 A Well, because he -- he was no longer going to
 2 represent himself as a man. He wanted to dress
 3 as a woman.
 4 Q Okay. So he presented you this letter, which I
 5 think is Exhibit -- I forgot what Exhibit
 6 Number it was -- might have been the last one.
 7 Is it 7?
 8 A Number 7, yes.
 9 Q Yeah, Exhibit 7. So just for a little
 10 background and pursuant to the question of Mr.
 11 Price, you were presented that letter from
 12 Stephens?
 13 A Correct.
 14 Q Okay. And did anywhere in that letter indicate
 15 that Stephens would continue to dress under
 16 your dress code as a man in the workplace?
 17 A No.
 18 Q Did he ever tell you during your meeting when
 19 he handed you that letter that he would
 20 continue to dress as a man?
 21 A No.
 22 Q Did he indicate that he would dress as a woman?
 23 A Yes. Yes.
 24 Q Okay. Is it -- the reason you fired him, was
 25 it because he claimed that he was really a

<p style="text-align: right;">Page 137</p> <p>1 woman; is that why you fired him or was it</p> <p>2 because he claimed -- or that he would no</p> <p>3 longer dress as a man?</p> <p>4 A That he would no longer dress as a man.</p> <p>5 Q And why was that a problem?</p> <p>6 A Well, because we -- we have a dress code that</p> <p>7 is very specific that men will dress as men; in</p> <p>8 appropriate manner, in a suit and tie that we</p> <p>9 provide and that women will conform to their</p> <p>10 dress code that we specify.</p> <p>11 Q So hypothetically speaking, if Stephens had</p> <p>12 told you that he believed that he was a woman,</p> <p>13 but would only present as a woman outside of</p> <p>14 work, would you have terminated him?</p> <p>15 A No.</p> <p>16 Q Would you have hired and terminated somebody</p> <p>17 for being gay?</p> <p>18 A No.</p> <p>19 MR. PRICE: Objection, speculation.</p> <p>20 MR. KIRKPATRICK: Okay. Okay.</p> <p>21 Speculation.</p> <p>22 BY MR. KIRKPATRICK:</p> <p>23 Q You had some questions about your moral beliefs</p> <p>24 and whether or not you fired somebody for being</p> <p>25 an adulterer; do you recall that?</p>	<p style="text-align: right;">Page 139</p> <p>1 were thinking of when Mr. Price was questioning</p> <p>2 you and there was an issue of safety using</p> <p>3 restrooms; do you recall that?</p> <p>4 A Yes.</p> <p>5 Q That word "Safety", was it -- what, you</p> <p>6 believed that he was going the be physically</p> <p>7 dangerous to people?</p> <p>8 A No. No.</p> <p>9 Q What do you mean about you were concerned about</p> <p>10 safety about girls and women and granddaughters</p> <p>11 using the restroom with someone who was a man</p> <p>12 dressed as a woman?</p> <p>13 A Well, just presenting in a funeral home an</p> <p>14 environment that is suitable for them to begin</p> <p>15 the healing process.</p> <p>16 Q Okay. Would it be uncomfortable?</p> <p>17 A Yeah, that it's a comfortable situation, yeah.</p> <p>18 Q But, just to be clear, you didn't believe that</p> <p>19 just because Stephens had presented you this</p> <p>20 letter and told you what he told you, that</p> <p>21 somehow he was going the be a physical danger</p> <p>22 to anyone?</p> <p>23 A No.</p> <p>24 Q Okay. There was some questions that Mr. Price</p> <p>25 asked you about your interview you had with the</p>
<p style="text-align: right;">Page 138</p> <p>1 A Yes.</p> <p>2 Q Would you fire someone just for being an</p> <p>3 adulterer?</p> <p>4 A No.</p> <p>5 Q As long as they followed the rules would they</p> <p>6 stay?</p> <p>7 A Yes.</p> <p>8 Q Including the dress code?</p> <p>9 A Yes.</p> <p>10 Q Okay. Or a woman who claimed that she had an</p> <p>11 abortion, as long as she followed the rules,</p> <p>12 would you have fired her?</p> <p>13 A Yeah -- no, I wouldn't have fired her.</p> <p>14 Q Okay. As long as she followed the rules, she</p> <p>15 could stay?</p> <p>16 A Yes.</p> <p>17 Q All right. Have you ever hired any gay people?</p> <p>18 A Yes.</p> <p>19 Q Or I should say, have you ever had any gay</p> <p>20 people work for you?</p> <p>21 A Yes.</p> <p>22 Q Have you ever fired them for that reason?</p> <p>23 A No.</p> <p>24 Q Okay. Now, there was questions about issues</p> <p>25 after Stephens was fired and things that you</p>	<p style="text-align: right;">Page 140</p> <p>1 EEOC investigator. Do you recall that?</p> <p>2 A Yes. Yes.</p> <p>3 Q Now, you were interviewed by this EEOC</p> <p>4 investigator prior to this lawsuit being filed</p> <p>5 against you?</p> <p>6 A That's correct.</p> <p>7 Q Okay. And I think there was questions about</p> <p>8 did you bring up anything about religious</p> <p>9 issues or religious objections or anything like</p> <p>10 that. Do you recall that question?</p> <p>11 A Yes.</p> <p>12 Q And we just made it clear that there was no</p> <p>13 lawsuit filed at the time?</p> <p>14 A That's right.</p> <p>15 Q And you just answered her questions, correct?</p> <p>16 A That's right.</p> <p>17 Q Did you -- were you under any belief that you</p> <p>18 had to present all and any defenses to -- might</p> <p>19 be from a lawsuit that wasn't filed yet?</p> <p>20 A No.</p> <p>21 MR. KIRKPATRICK: Okay. All right.</p> <p>22 That's it for me.</p> <p>23 RE-EXAMINATION</p> <p>24 BY MR. PRICE:</p> <p>25 Q You were just asked about the investigator, you</p>

<p style="text-align: right;">Page 141</p> <p>1 know, whether you were in a lawsuit or not. Is</p> <p>2 it your understanding that you only had</p> <p>3 religious freedom or protection under the</p> <p>4 Religious Freedom Restoration Act only if</p> <p>5 you're being sued?</p> <p>6 A I don't understand.</p> <p>7 Q Do you have to be sued before you have --</p> <p>8 you're declaring your right to exercise your</p> <p>9 religious freedom or free exercise of religion?</p> <p>10 A No. But it wasn't up in a discussion, so it</p> <p>11 wouldn't be something that I would bring up.</p> <p>12 Q Okay. But it was one of your -- it's --</p> <p>13 obviously it's one of your reasons for</p> <p>14 justifying your decisions with respect to</p> <p>15 Stephens, correct?</p> <p>16 A Yes.</p> <p>17 Q Okay. Now you're dealing with a Federal agency</p> <p>18 that's asking you your position on a charge,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Okay. Wouldn't you feel the need to be as</p> <p>22 forthright and complete as possible in setting</p> <p>23 forth your justifications?</p> <p>24 A Yes, but she didn't ask me specific questions</p> <p>25 about my religious beliefs, or beliefs at the</p>	<p style="text-align: right;">Page 143</p> <p>1 A Yes.</p> <p>2 Q You would not have been honoring God to keep</p> <p>3 that person in place?</p> <p>4 A Yes.</p> <p>5 Q And why not?</p> <p>6 A Because it would be, I believe, a huge</p> <p>7 disservice to the families that have called</p> <p>8 upon me, and expect certain criteria and</p> <p>9 certain services to be offered them. I think I</p> <p>10 would be doing them a huge disservice to them</p> <p>11 and to my -- to my staff, people that work for</p> <p>12 me, everybody that's involved.</p> <p>13 Q And to your own personal faith?</p> <p>14 A Absolutely.</p> <p>15 Q Okay. Because as you said before, God made men</p> <p>16 as men and women as women?</p> <p>17 A Exactly.</p> <p>18 Q Your -- it was mentioned before that you don't</p> <p>19 honor all of the legal holidays, obviously like</p> <p>20 Veteran's Day. Why are those six picked and no</p> <p>21 others?</p> <p>22 A Well, I didn't have anything to do with picking</p> <p>23 those, but they go back way before my time. I</p> <p>24 guess those were the original six considered</p> <p>25 legal holidays.</p>
<p style="text-align: right;">Page 142</p> <p>1 funeral home.</p> <p>2 Q Why would she have to if you don't mention that</p> <p>3 in any of your earlier responses?</p> <p>4 A I don't know why I would have to necessarily</p> <p>5 bring it up.</p> <p>6 Q So, how was the government supposed to</p> <p>7 understand that you have a religious objection</p> <p>8 or religious concerns if you don't raise them?</p> <p>9 A That's why they're raised now.</p> <p>10 Q Okay. But you didn't feel -- you felt like you</p> <p>11 didn't need to bother to bring that up during</p> <p>12 the investigation part?</p> <p>13 A I just thought that was just an investigation,</p> <p>14 she presented herself and said she's there just</p> <p>15 to investigate this, and make it as simple and</p> <p>16 as clean as possible.</p> <p>17 Q You were asked about the mission statement.</p> <p>18 Talking about, yes, at the first paragraph.</p> <p>19 A Uh-huh.</p> <p>20 Q My apology, I did miss that. Talks about</p> <p>21 honoring God in all you do as a company and</p> <p>22 individuals.</p> <p>23 Do you believe that it would -- you</p> <p>24 would not have been honoring God if you</p> <p>25 continued to employ Aimee Stephens?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Okay.</p> <p>2 A And I guess just out of tradition we've never</p> <p>3 changed.</p> <p>4 Q Has there been any discussion of having Easter</p> <p>5 as a --</p> <p>6 A It has been discussed.</p> <p>7 Q Okay. What was the -- what was the thought?</p> <p>8 Why not?</p> <p>9 MR. KIRKPATRICK: Objection to</p> <p>10 relevance. Go ahead and answer if you can.</p> <p>11 THE WITNESS: It would require, you</p> <p>12 know, additional pay for one thing.</p> <p>13 BY MR. PRICE:</p> <p>14 Q There's an expense to it?</p> <p>15 A Yeah, there's an expense to it, of course.</p> <p>16 Q Okay. Because I believe the holiday pay works</p> <p>17 you get -- you get an extra paid day, like paid</p> <p>18 for six days even though you're working five?</p> <p>19 A Exactly. Even when you're -- yeah, when you're</p> <p>20 not working so you're getting paid, yeah.</p> <p>21 Q Okay. You said -- you've been told -- or</p> <p>22 mentioned that you've had gay people work for</p> <p>23 you. Do you recall when most recently that</p> <p>24 was?</p> <p>25 A It's been awhile. It's been quite a number of</p>